

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Hard Yaka LLC, et al.,

Case No. 2:25-cv-00387-CDS-DJA

Plaintiffs

Order Setting Hearing

v.

Hard Yaka Ventures GP, LCC et.al.,

Defendants

Plaintiffs Hard Yaka LLC and Robert Gregory Kidd filed a motion for preliminary injunction asking that I enjoin intervening defendants Kevin Leiske, Margaret Slemmer, and Joseph Christopher Lewis from seeking advancement of attorneys' fees in a parallel proceeding they initiated in the state of Delaware. Mot. for prelim. inj., ECF No. 66. The intervenor defendants oppose the motion. Opp'n, ECF No. 71.

In the parallel Delaware proceeding, the intervenor defendants seek advancement of attorneys' fees based on an indemnification agreement. Indem. Agreement, Pl.'s Ex. C, ECF No. 70-3. Crucially, the agreement states the following,

This Agreement and the legal relations among the parties shall be governed by, and construed and enforced in accordance with, the laws of the State of Delaware, without regard to its conflict of laws rules. The Indemnitors and Indemnitee hereby irrevocably and unconditionally (i) agree that any action or proceeding arising out of or in connection with this Agreement shall be brought only in the Chancery Court of the State of Delaware (the "Delaware Court"), and not in any other state or federal court in the United States of America or any court in any other country, (ii) consent to submit to the exclusive jurisdiction of the Delaware Court for purposes of any action or proceeding arising out of or in connection with this Agreement, (iii) waive any objection to the laying of venue of any such action or proceeding in the Delaware Court, and (iv) waive, and agree not to plead or to make, any claim that any such action or proceeding brought in the Delaware Court has been brought in an improper or inconvenient forum.

Id. at 13.

1 Given that the parties have agreed to litigate any issues relating to the indemnification
2 agreement in Delaware state court, the parties must appear on June 23, 2025, at 11:00 a.m., in LV
3 Courtroom 6B prepared to provide argument on how this court has jurisdiction over the
4 pending preliminary injunction motion.

5 Dated: May 30, 2025

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7 Cristina D. Silva
8 United States District Judge
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